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23 **UNITED STATES DISTRICT COURT
24 FOR THE DISTRICT OF NEVADA**

25 CHARLES JOHNSON, et al.,

26 CASE NO. 3:18-cv-00143-MMD-VPC

27 Plaintiffs,

28 *ORDER*

v.

29 STIPULATION FOR ORDER TO
30 VACATE ORDER SETTING CASE
31 MANAGEMENT CONFERENCE

32 BRISTOL-MYERS SQUIBB COMPANY, et al.,

33 Defendants.

34 Plaintiffs Charles Johnson, Joan Rhoads, Sherrie Maguire, Joseph Rodarte, and Michael
35 McCollum (collectively, "Plaintiffs") and Defendants Bristol-Myers Squibb Company ("BMS"),
36 Otsuka America Pharmaceutical, Inc. ("OAPI"), Carrie Stiles, and Cindy Pierce (collectively,
37 "Defendants") hereby stipulate and agree that, with the approval of this Court, the *Order Setting*

1 *Case Management Conference* should be vacated for the following reasons:

2 **RECITALS**

3 1. This case, which alleges that the prescription drug Abilify® caused Plaintiffs to
4 engage in compulsive behaviors such as pathological gambling, was removed to this Court on
5 the basis of diversity jurisdiction. ECF 1.

6 2. On April 4, 2018, the Judicial Panel on Multidistrict Litigation (the “JPML”)
7 ordered that this case be transferred conditionally to the Abilify® multidistrict litigation (the
8 MDL”) in the Northern District of Florida, where more than 1,000 involving similar claims that
9 Abilify caused pathological gambling are pending. Case MDL No. 2734, ECF No. 139.

10 3. Plaintiffs have filed a motion to remand this case, ECF No. 8, and have opposed
11 the motion to vacate, Case MDL No. 2734, ECF No. 148.

12 4. Defendants have moved to stay all proceedings in this case, including decision on
13 the remand motion, pending the JPML’s decision on the transfer of this case to the MDL. ECF
14 No. 23. Briefing on the Motion to Stay is under way.

15 5. On April 23, 2018, this Court entered an *Order Setting Case Management*
16 *Conference* pursuant to Fed. R. Civ. P. 16 and Local Rule (“LR”) 16-2 (the “Case Management
17 Order”), setting a case management conference for Thursday, May 17, 2018 and ordering the
18 filing of a joint case management report not less than seven (7) court dates before the case
19 management conference.

20 6. Depending on how the Court rules on the pending options, this case will be either
21 transferred to the MDL or remanded to state court. As such, there is no benefit to proceeding
22 with the case management conference and its corresponding deadlines. Vacating the Case
23 Management Order is thus warranted.

24 7. Accordingly, the parties stipulate and agree that vacating the Case Management
25 Order until a decision is entered on the Motion to Vacate or the Motion to Remand serves the
26 best interests of judicial economy, minimizes litigation expense, and otherwise preserves the
27 resources of the parties.

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1 **IT IS SO ORDERED.**
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7 **United States Magistrate Judge**
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10 **DATED:** _____, 2018

CERTIFICATE OF SERVICE

The undersigned, an employee of Garman Turner Gordon LLP, hereby certifies that on the 4th day of May, 2018, she caused a copy of the foregoing **STIPULATION FOR ORDER TO VACATE ORDER SETTING CASE MANAGEMENT CONFERENCE**, to be served electronically to all parties of interest through the Court's CM/ECF system as follows:

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